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15 *Counsel for Plaintiff West Virginia
16 Laborers' Trust Fund and the Class*

17 UNITED STATES DISTRICT COURT

18 CENTRAL DISTRICT OF CALIFORNIA

19 SOUTHERN DIVISION

20 WEST VIRGINIA LABORERS'
21 TRUST FUND, Individually and
22 on Behalf of All Others Similarly
23 Situated,

24 Plaintiff,

25 v.

26 STEC, INC., MANOUCH
27 MOSHAYEDI, MEHRDAD
28 MOSHAYEDI, RAYMOND D.
COOK, RAJAT BAHRI,
BARCLAYS CAPITAL INC.,
DEUTSCHE BANK
SECURITIES, INC., J.P.
MORGAN SECURITIES, INC.,
and OPPENHEIMER & CO., INC.,

Defendants.

Case No. 11-cv-01171-JVS (MLGx)

CLASS ACTION

**NOTICE OF MOTION AND MOTION
TO REMAND THIS ACTION TO
STATE COURT**

Date: September 19, 2011
Time: 1:30 p.m.
Judge: Honorable James V. Selna
Ctrm: 10C

1 TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that, on September 19, 2011, at 1:30 p.m., or as
3 soon thereafter as may be heard by the Honorable James V. Selna, located at 411
4 West Fourth Street, Santa Ana, California 92701, Courtroom 10C, Plaintiff West
5 Virginia Laborers' Trust Fund ("West Virginia") will and does hereby move the
6 Court for remand of this action filed in the Superior Court for the State of
7 California, County of Orange, on July 7, 2011, which was removed to this Court
8 by defendants STEC, Inc., et al., on August 4, 2011, pursuant to 28 U.S.C. § 1452.

9 Plaintiff makes this motion pursuant to 28 U.S.C. § 1447(c) and 28 U.S.C. §
10 1452(b) on the grounds that this action was improperly removed. This Motion is
11 made and based on this Notice of Motion and Motion, the Memorandum of Points
12 and Authorities in support, the Declaration of Blair A. Nicholas, and such other
13 additional evidence or argument as may be presented to the Court. This Motion is
14 made following the conference of counsel pursuant to Local Rule 7-3, which took
15 place on August 5, 2011.

16 Dated: August 17, 2011

Respectfully submitted,

17 BERNSTEIN LITOWITZ BERGER
18 & GROSSMANN LLP

19 By /s/ Blair A. Nicholas
Blair A. Nicholas

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